

April 17, 2001

**VIA FEDERAL EXPRESS**

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, DC 20554

APR 18 2001

**FCC MAIL ROOM**

Re: APPEAL-COMMITMENT ADJUSTMENT LETTER DATED JANUARY 5, 2001  
FUNDING YEAR 1998 – 1999  
FORM 471, APPLICATION NUMBER: 84941  
EAGLE HILL SCHOOL  
HARDWICK, MASSACHUSETTS  
FUNDING REQUEST NUMBER: 85128  
SERVICE PROVIDER: DRAHTHAUS RESIDENTIAL NETWORKING, INC.  
SERVICES ORDER: INTERNAL CONNECTIONS  
CC DOCKET NOS. 96-45 AND 97-21

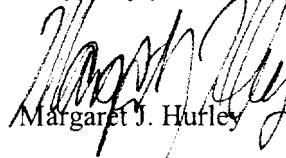
Dear Sir/Madam:

Enclosed please find the Appeal of the School and Library Division funding decision dated January 5, 2001. Please note that the school has previously appealed to the School and Library Division. I enclose a copy of the appeal and the decision for your reference.

Please feel free to contact me with any questions. Please note that I may be reached by telephone or e-mail at the following:

Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street  
Worcester, Massachusetts 01608  
Telephone - (508) 791-8500  
Facsimile - (508) 791-8502  
Attn: Margaret J. Hurley, Esquire  
E-mail - [mjhurley@modl.com](mailto:mjhurley@modl.com)

Very truly yours,

  
Margaret J. Hurley

MJH/clp

cc: Marty J. McDonald, Director of Business Affairs, Eagle Hill School  
School and Library Division (via Federal Express)

[H:\pa-lit-15559\32007\A0457352.DOC]

No. of Copies rec'd 0  
CLASS CODE

100 FRONT STREET  
WORCESTER, MA 01608-1477  
508-791-8500 • FAX 508-791-8502

MIRICK O'CONNELL

10 WINTHROP SQUARE  
BOSTON, MA 02110-1263  
617-261-2417 • FAX 617-261-2418

[www.modl.com](http://www.modl.com)

FEDERAL COMMUNICATIONS COMMISSION

In The Matter of :

REQUEST FOR REVIEW BY  
EAGLE HILL SCHOOL OF  
DECISION OF UNIVERSAL  
SERVICE ADMINISTRATOR

FCC Docket Nos.: 97-21  
96-45

**RECEIVED**

APR 18 2001

**FCC MAIL ROOM**

APPEAL

I. PARTY'S INTEREST IN MATTER UNDER REVIEW AND STATUS OF APPEAL

The Eagle Hill School ("the School") in Hardwick, Massachusetts is a school eligible to receive funds from the Schools and Libraries Program. (Affidavit of John M. McDonald, ¶2). The School received a Commitment Adjustment Letter dated January 5, 2001 (Exhibit A) from which it timely appealed to the School and Library Division. The first appeal was denied (Exhibit F) and the School files its further appeal to the Federal Communications Commission herein, pursuant to §54.719(a).

II. FACTS

In a Commitment Adjustment Letter, dated January 5, 2001 the Schools and Libraries Division (SLD) communicated to the School that approved funding for internal connections at the School performed by Drahthaus Residential Networking, Inc. ("Drahthaus") was being partially revoked (Exhibit A). The "Funding Commitment Adjustment explanation" for this action was: "commitment has been reduced to remove ineligible locations." (See Exhibit A).

Although there is no explanation in the Commitment Adjustment Letter dated January 5, 2001 as to what “ineligible locations” the SLD was referring to, the School assumes that the reference is to internal connection work performed in dormitories at the School. This appeal is submitted based upon that assumption, in the absence of further information from the SLD explaining the reason for its “adjustment”. The School reserves the right to submit additional information in appeal of the Commitment Adjustment Letter should it receive any additional explanation for the adjustment.

Before applying for Program funding, School personnel confirmed with the Program Administrator that the dormitories would be considered “other places of instruction at schools” and thus eligible for Program funds. (McDonald Aff. at ¶5). The Director of Development of the School, Christopher Hynes, Esq., specifically inquired of the Program Administrator whether the dormitories would be considered class rooms or other places of instructions at the school according to the Program guidelines. (McDonald Aff. at ¶5). (See also Exhibit D) On April 10, 1998 the Program Administrator responded : “since your unique setting and need for services extends beyond a traditional class room setting – an association can be made to indicate that the dormitories are “acting” class rooms during the two hours per evening you cited – and therefore would meet the definition of eligible.” (McDonald Aff. at ¶5). (See also Exhibit D.)

The internal connection work at issue performed by Drahthaus was referenced in the initial request for funding, and was approved by the SLD. (See Schools and Libraries Universal Service Services Ordered and Certification Form April 13, 1998, Exhibit B) (See Funding

Decision, February 9, 1999, Exhibit C). In reliance on this approval, the School entered into a contract with Drahtaus and proceeded with the construction. (McDonald Aff. at ¶5).

The dormitory internal connection work at issue comes within the Program's intent of encouraging and facilitating the wiring of educational institutions for computer use access to the Internet. The unique characteristics of the School, and the instructional use the School makes of its dormitory rooms, certainly qualifies the School for this funding. The School is a private residential school for learning disabled children ages 12-19. (McDonald Aff. at ¶¶2-4). The disabilities range from dyslexia to Attention Deficit Hyperactivity Disorder. (McDonald Aff. at ¶2). Because the facilities of the School are limited, the students have a structured study hall period each night for a minimum of 1.5 hours, and sometimes longer. (McDonald Aff. at ¶3). During this time, students are required to be in their dormitory rooms for teaching. (McDonald Aff. at ¶3). Practically speaking, during these structured study hall periods, the dormitory rooms are class rooms. (McDonald Aff. at ¶¶3-4). Teachers actually teach the students during these hours, and are required by their contract to be there and teach during those hours. (McDonald Aff. at ¶¶3-4). The teachers do not simply serve as "monitors" or "dorm counselors" during this time. (McDonald Aff. at ¶¶3-4). In fact, the school has other salaried dorm counselors on each floor who fulfill the job responsibilities of a dorm counselor or monitor during these structured study hall periods. The School intended to use computer access during these study periods as part of the students' educational instruction, e.g. for Intranet communication of homework assignments and completed homework projects between teachers and students and for Internet-based research projects. (McDonald Aff. at ¶¶3-4). The simple use of the Internet as a research

tool for these students has an educational benefit in increased hand eye coordination and sharpened research skills. (McDonald Aff. at ¶¶3-4).

The School implemented the policy of teaching in the dormitory rooms as a way to maximize the close student teacher ratio by augmenting the traditional school day. (McDonald Aff. at ¶¶2-4). During the structured study hall periods, the dormitory rooms are used for “instructional” purposes. (McDonald Aff. at ¶¶4, 7).

#### QUESTION PRESENTED FOR REVIEW

The question presented for review in this appeal is whether the internal connection work performed by Drauhthaus in the dormitories at Eagle Hill School qualify as eligible internal connections pursuant to 47 CFR §54.506. That section states:

“A service is eligible for support as a component of an institution’s internal connections if such service is necessary to transport information within one or more instructional buildings of a single school campus...Discounts are not available for internal connections in non-instructional buildings of a school...unless those internal connections are essential for the effective transport of information to an instructional building of a school...

Clearly the dormitories at the Eagle Hill School qualify as instructional buildings. They have all of the hallmarks of a traditional classroom: structured periods of study, teacher-directed learning, and the need to have access to advanced telecommunications services. See 47 U.S.C. 254(b)(6) (“Elementary and secondary schools and classrooms... should have access to advanced telecommunications services.”) See also 47 U.S.C. 254(h)(2)(A) (services should be provided “for all public and nonprofit elementary and secondary school classrooms.” As Chairman Kennard stated on June 22, 1998, “Providing discounts for internal connections is the

best way to fulfill this statutory directive.” (See Exhibit G, “Press Statement of Chairman William Kennard on Schools and Libraries Funding Mechanism”). The need for such computer access does not disappear simply because the place of instruction happens to be labeled a “dormitory” rather than a “classroom”.

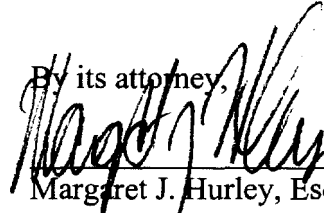
Moreover, the Affidavit of John McDonald establishes that the computer access in the dormitories is used for communication with classroom teachers. Even if the dormitory is considered a non-instructional building, the internal connection work to the dormitory still qualifies under §54.506 because such service is used “for the effective transport of information to an instructional building of a school...” The dormitories qualify as “other places of instruction” under the Telecommunications Act, especially in light of the broad and remedial purposes of the Act (see “School and Libraries Eligibility List”, Exhibit E).

#### STATEMENT OF RELIEF SOUGHT

The School respectfully requests pursuant to §54.719(a) that you reverse the Funding Commitment Decision reflected in the January 5, 2001 letter and make no attempts to recoup the \$77,429.55 which the SLD approved for the internal connection work performed by Drahthaus Residential Networking, Inc.

EAGLE HILL SCHOOL

By its attorney,



Margaret J. Hurley, Esq.

BBO #559334

Mirick, O'Connell, DeMallie & Lougee, LLP

100 Front Street

Worcester, MA 01608-1477

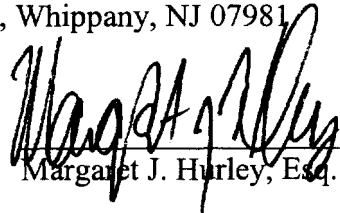
Phone: (508) 791-8500

Fax: (508) 791-8502

Date: Apr: 17, 2001

CERTIFICATE OF SERVICE

I, Margaret J. Hurley, hereby certify that I have this day served a copy of the foregoing document, by mailing a copy, first class mail, postage prepaid, to School and Library Division, Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981



4/17/01

Margaret J. Hurley, Esq.

## **AFFIDAVIT OF JOHN M. McDONALD**

I, John M. McDonald, depose and state:

1. Since 1992 I have been the Business Director of the Eagle Hill School ("School") in Hardwick, Massachusetts. I have personal knowledge of the facts contained within this Affidavit.
2. The School is a private residential school for learning disabled children ages twelve through nineteen. The disabilities of the students range from dyslexia to Attention Deficit Hyperactivity Disorder. The average classroom student to teacher ratio is four students to one teacher. The student to teacher ratio is purposefully kept to a minimum to reduce distractions and increase individualized attention. One to one courses are offered to students whose academic needs in a particular subject cannot be met in the small group setting.
3. At the School the academic and social skills taught during the academic day are reinforced through the evening hours by way of mandatory study sessions, held nightly in the dormitories. On-duty teachers are present during these mandatory structured study hall periods. Students must present their assignments to the teachers who confirm the successful completion of assignments, ensuring the student's preparedness for the next class day. The on-duty teachers perform a teaching function during these evening study hall periods in the dormitories and are required by their contract to be present and teach; they do not simply serve as "monitors" or "dorm counselors" during this time. In fact, the School has other salaried dorm counselors on each floor who fulfill the job responsibilities of a dorm counselor or monitor during these structured study hall periods. Practically speaking, the dormitory rooms function as class rooms during these structured study hall periods. The residential program is designed in this manner to



reinforce the academic and social skills taught during the day by providing a consistent structure through the evening hours.

4. The School applied for Program funding for computer access during these study periods in order to incorporate computer literacy into these structured study hall periods. The School intended to use computer access during these study periods for many educational purposes, including Intranet communication between teachers and students regarding homework assignments and completed homework projects. The School also intended to allow the students to have access to the Internet during these study hall periods for Internet-based research projects. The simple use of the Internet as a research tool by the School's learning disabled students has an educational benefit in increased hand eye coordination, fine motor skills, and sharpened research skills.

5. Because of the School's unique use of its dormitories as places of instruction, School officials took steps to confirm the dormitories would qualify as "other places of instruction" before applying for the Program funds. As reflected in the attached "Exhibit D", in April of 1998 the Director of Development at the School, Christopher Hynes, Esq., inquired by way of e-mail communication to the Program Administrator whether the dormitories would be considered classrooms or other places of instruction at the School according to the Program Guidelines. (See Exhibit D). On April 10, 1998 the Program Administrator responded: "since your unique setting and need for services extends beyond a traditional classroom setting – an association can be made to indicate that the dormitories are "acting" classrooms... and therefore would meet the definition of eligible." (See Exhibit D).

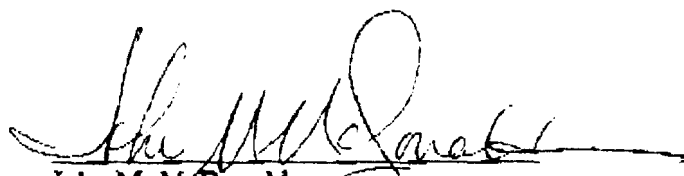
6. In reliance on this confirmation that the dormitories would meet the eligibility requirements, the School included the internal connection work in the dormitories to be

performed by Drahthaus in the initial request for funding. (See Schools and Libraries Universal Service Services Ordered and Certification Form April 13, 1998, Exhibit B). The internal connection work for the dormitories was approved by the SLD. (See Funding Decision, February 9, 1999, Exhibit C). In reliance on this approval, the School entered into a contract with Drahthaus and proceeded with the construction.

7. I respectfully submit that the dormitories at Eagle Hill School should be considered places of instruction under the Program Guidelines. The internal connection work performed by Drahthaus should thus be considered an eligible telecommunications service under the Program. The primary purpose of the School's application for funding for this work was for the delivery of telecommunication services into places of instruction at the School.

Signed under the pains and penalties of perjury this 17<sup>th</sup> day of

April, 2001.

  
John M. McDonald  
Director of Business Affairs  
Eagle Hill School

February 2, 2001

**VIA EXPRESS MAIL**  
**Certified Mail Return Receipt Requested**

Universal Service Administrative Company  
Letter of Appeal  
Schools and Libraries Division  
Box 125-Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

**RECEIVED**

APR 18 2001

**FCC MAIL ROOM**

Re: APPEAL-COMMITMENT ADJUSTMENT LETTER DATED JANUARY 5, 2001  
FUNDING YEAR 1998 – 1999  
FORM 471, APPLICATION NUMBER: 84941  
EAGLE HILL SCHOOL  
HARDWICK, MASSACHUSETTS  
FUNDING REQUEST NUMBER: 85128  
SERVICE PROVIDER: DRAHTHAUS RESIDENTIAL NETWORKING, INC.  
SERVICES ORDER: INTERNAL CONNECTIONS

---

Dear Sir/Madam:

This is an **Appeal** of the above-referenced Commitment Adjustment Letter (Exhibit A) dated January 5, 2001. For your information, the contact person with whom you can most readily discuss this appeal is counsel to the Eagle Hill School ("School"):

Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street  
Worcester, Massachusetts 01608  
Telephone - (508) 791-8500  
Facsimile - (508) 791-8502  
Attn: Margaret J. Hurley, Esquire  
E-mail - [mjhurley@modl.com](mailto:mjhurley@modl.com)

In the Commitment Adjustment Letter, dated January 5, 2001 the Schools and Libraries Division (SLD) communicated to the School that approved funding for internal connections at the School performed by Drahtaus Residential Networking, Inc. ("Drahtaus") was being partially revoked. The "Funding Commitment Adjustment explanation" for this action was: "commitment has been reduced to remove ineligible locations." (See Exhibit A). The School respectfully disputes this revocation of previously approved funding because the funding was

{H:\pal\lit\15559\32007\A0439078.DOC}

Universal Service Administrative Company  
February 2, 2001  
Page 2

approved for a use consistent with Program rules and because the School proceeded with the project in reliance on the funding decision.

Although there is no explanation in the Commitment Adjustment Letter dated January 5, 2001 as to what "ineligible locations" the SLD is referring to, the School assumes that the reference is to internal connection work performed in dormitories at the School. This appeal is submitted based upon that assumption, in the absence of further information from SLD explaining the reason for its "adjustment". The School reserves the right to submit additional information in appeal of the Commitment Adjustment Letter.

As an initial matter, the internal connection work to be done by Drahtaus was referenced in the initial request for funding, and was approved by SLD. (See Schools and Libraries Universal Service Services Ordered and Certification Form April 13, 1998, Exhibit B) (See Funding Decision, February 9, 1999, Exhibit C). In reliance on this approval, the School entered into a contract with Drahtaus and proceeded with the construction.

Indeed, before even applying for the funding, the School confirmed with the Program Administrator that the dormitories would be considered "other places of instruction at schools" and thus eligible for Program funds. As reflected in the attached Exhibit D, in April, 1998 the Director of Development of the School, Christopher Hynes, Esq., specifically inquired of the Program Administrator whether the dormitories would be considered class rooms or other places of instructions at the school according to the Program guidelines. (See Exhibit D) On April 10, 1998 the Program Administrator responded: "since your unique setting and need for services extends beyond a traditional class room setting – an association can be made to indicate that the dormitories are "acting" class rooms during the two hours per evening you cited – and therefore would meet the definition of eligible." (See Exhibit D.) It was clearly reasonable for the School to rely on the Administrator's interpretation of the Program requirements when applying for funding commitments. For the SLD to now seek to recoup \$77,429.55, which the School applied for based upon the Administrator's interpretation of the Program requirements and which the SLD had previously approved, is patently unfair, arbitrary and capricious.

Moreover, it is clear that the dormitory internal connection work at issue comes within the Program's intent of encouraging and facilitating the wiring of educational institutions for access to the Internet. The unique characteristics of the School, and the instructional use the School makes of its dormitory rooms, certainly qualifies the School for this funding. The School is a private residential school for learning disabled children ages 12-19. The disabilities range from dyslexia to Attention Deficit Hyperactivity Disorder. Because the facilities of the School are limited, the students have a structured study hall period each night for a minimum of 1.5 hours, and sometimes longer. During this time, students are required to be in their dormitory rooms for teaching. Practically speaking, during these structured study hall periods, the dormitory rooms are class

Universal Service Administrative Company

February 2, 2001

Page 3

rooms. Teachers actually teach the students during these hours, and are required by their contract to be there and teach during those hours. The teachers do not simply serve as "monitors" or "dorm counselors" during this time. In fact, the school has other salaried dorm counselors on each floor who fulfill the job responsibilities of a dorm counselor or monitor during these structured study hall periods. The School intended to use computer access during these study periods as part of the students' educational instruction, e.g. for Intranet communication of homework assignments and completed homework projects between teachers and students and for Internet-based research projects. The simple use of the Internet as a research tool for these students has an educational benefit in increased hand eye coordination and sharpened research skills.

The School implemented the policy of teaching in the dormitory rooms as a way to maximize the close student teacher ratio by augmenting the traditional school day. During the structured study hall periods, the dormitory rooms are used for "instructional" purposes. I respectfully submit that the dormitories qualify as "other places of instruction" under the Telecommunications Act, especially in light of the broad and remedial purposes of the Act (see "School and Libraries Eligibility List, Exhibit E).

For these reasons, and on behalf of the School, I respectfully request that you reverse the Funding Commitment Decision reflected in the January 5, 2001 letter and make no attempts to recoup the \$77,429.55 which the SLD approved for the internal connection work performed by Drahthaus Residential Networking, Inc.

I would be happy to discuss this appeal with anyone at your convenience. In addition, if you require further documentation of the School's position, please let me know as soon as possible. I may be reached at the contact information listed above.

Thank you for your consideration of the enclosed.

Very truly yours,

Margaret J. Hurley

  
Marty J. McDonald

**MIRICK O'CONNELL**

Universal Service Administrative Company

February 2, 2001

Page 4

Director of Business Affairs,  
Eagle Hill School

MJH/clp  
Enclosures

cc: Marty J. McDonald, Director of Business Affairs, Eagle Hill School



EAGLE HILL SCHOOL  
242 OLD PETERSHAM ROAD, P.O. BOX 116  
HARDWICK MA 01037 -





## Universal Service Administrative Company

Schools & Libraries Division

Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

---

### COMMITMENT ADJUSTMENT LETTER

January 5, 2001

CHRIS HYNES  
EAGLE HILL SCHOOL  
242 OLD PETERSHAM ROAD, P.O. BOX 116.  
HARDWICK MA 01037 -

Re: COMMITMENT ADJUSTMENT

Funding Year: 1998-1999

Form 471 Application Number: 84941

Dear Applicant:

Our routine reviews of Schools and Libraries Program funding commitments revealed certain applications where funds were committed in violation of program rules. We have previously informed you that some or all of the funds committed to you were done so in error.

In order to be sure that no funds are used in violation of program rules, SLD must now adjust your overall funding commitments. The purpose of this letter is to make the adjustments to your funding commitments required by program rules.

### FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the FRNs from your application for which adjustments are necessary. The SLD is also sending this information to your service provider(s), so preparations can be made to implement this decision. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

Please note that if the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the funds disbursed. The amount is shown as Funds to be Recovered. If funds must be recovered, we will be sending your service provider a letter describing the process for recovering these funds in the near future, and we will send a copy of the letter to you. If the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount.

## TO APPEAL THESE FUNDING COMMITMENT DECISIONS

If you wish to appeal the Funding Commitment Decision(s) indicated in this letter, your appeal must be made in writing and RECEIVED BY THE SLD at the address below WITHIN 30 DAYS OF THE DATE AT THE TOP OF THIS LETTER. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. Identify which Commitment Adjustment Letter you are appealing. Your letter of appeal must include the applicant name and the Form 471 Application Number from the top of this Commitment Adjustment Letter.
3. Identify the particular Funding Request Number (FRN) that is the subject of your appeal. When explaining your appeal, include the precise language or text from the Commitment Adjustment Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, you will enable us to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an original authorized signature on your letter of appeal.

Please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Appeals submitted by fax, phone call, and e-mail CANNOT be processed. While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC) so that it is received within 30 days of the date on this letter. You may send your notice of appeal to: FCC, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal.

Further information regarding filing an appeal directly with the FCC can be found in the “How to Apply, Step-by-Step” area of the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org).

## A GUIDE TO THE FUNDING COMMITMENT REPORT

Attached to this letter will be a report for each funding request from your application for which a commitment adjustment is required. We are providing the following definitions.

- **FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each request in Block 5 of your Form 471 once an application has been processed. This number is used to report to Applicants and Service Providers the status of individual discount funding requests submitted on a Form 471.
- **SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support programs.
- **SERVICE PROVIDER:** The legal name of the service provider.
- **CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.
- **SERVICES ORDERED:** The type of service ordered from the service provider, as shown on Form 471.
- **SITE IDENTIFIER:** The Entity Number listed in Form 471 for "site specific" FRNs.
- **BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.
- **ADJUSTED FUNDING COMMITMENT:** This represents the adjusted total amount of funding that SLD has committed to this FRN. If this amount exceeds the Funds Disbursed to Date, the SLD will continue to process properly filed invoices up to the new commitment amount.
- **FUNDS DISBURSED TO DATE:** This represents the total funds which have been paid up to now to the identified service provider for this FRN.
- **FUNDS TO BE RECOVERED:** This represents the amount of Funds Disbursed to Date that exceed the Adjusted Funding Commitment amount. These funds will have to be recovered. If the Funds Disbursed to Date do not exceed the Adjusted Funding Commitment amount, this entry will be \$0.
- **FUNDING COMMITMENT ADJUSTMENT EXPLANATION:** This entry provides a description of the reason the adjustment was made.

## **Funding Commitment Report for Application Number: 84941**

---

Funding Request Number: 85128                      SPIN: 143008855

Service Provider:    Drahthaus Residential Networking, Inc.

Contract Number:    I

Services Ordered:        INTERNAL CONNECTIONS

Site Identifier:    90                      EAGLE HILL SCHOOL

Billing Account Number:

Adjusted Funding Commitment:                      \$358,632.88

Funds Disbursed to Date:                              \$436,062.43

Funds to be Recovered:                                \$77,429.55

Funding Commitment Adjustment Explanation:

Commitment has been reduced to remove ineligible locations.



17. Upon the advice of three of your representatives on three separate occasions, I have not included a copy of the contract executed between Eagle Hill School and each of the service providers listed here. I have also *not* gone into great detail regarding the services and products from each of the three (3) service providers that are listed here. This lack of detail is in accordance with advice from your representatives and from literature downloaded from your website regarding these questions.

### CONTRACT I

#### Agreement between Eagle Hill School and Drathaus Networking Inc.

Overview of services and hardware to be provided (in dollars):

#### ELIGIBLE

#### INELIGIBLE

**Server Hardware: 60,336.60**

E-Mail Server

Web Server

File Server

Studies Information Server

**8,235.97**

Remote Access

Server Security Enclosure

**Network Hardware 209,849.12**

#### Hubs (12 total)

3-Com Superstack II 9300 Gigabit Ethernet Switch

3Com Superstack II 3900 36 Port 10/100 Switch

3Com Superstack II 3900 LX Ethernet Module

3Com Superstack II UPS (This was listed as eligible by 3Com as part of an integrated network of hardware)

#### Internet (12 total)

3Com Superstack NETBuilder

#### Service (12 total)

Install and configure switches

Install and configure router

Preparing the bright learning disabled child for tomorrow and the future

Fax: 413-477-6837

Email: EagleHill@aol.com

**Cabling** (12 buildings, 154 rooms) **276,792.58**

<u>Cabling</u>	<u>Quantity Per Connection</u>
Single Mode Fiber	3
Multi Mode Fiber	3
RG6 Coax	3
CAT 5 350 MHZ UTP	6

**Distributed Instructional Video** **32,609**

(12 Buildings)

Pro 8 (or Pro 16) Zone Distribution Panel

Install and Configure each panel

**Phone System** **126,149**

Lucent Technologies Guestworks Server

Includes:

Guestworks Level 2 with 250 rooms

Intuity Lodging 2.0 for Guest Messaging

Intuity Audix 4.3 for Staff Messaging

& Lodging Call Accounting

**Network Service Contract** **30,555**

**Totals**

**736,291.30** (eligible)

**8,235.97** (ineligible)

**CONTRACT II**

**Agreement Between Eagle Hill School and Bell Atlantic, Inc.**

Eagle Hill School and Bell Atlantic, Inc. have entered into an agreement whereby Bell Atlantic will install two (2) T-1 lines to be used for both voice and data transmission. The one time installation charge for those lines is \$204.00 each. Eagle Hill School will also pay Bell Atlantic a monthly line charge of \$575.00 per each T-1 line. This makes Eagle Hill's obligation to Bell Atlantic \$13,800 over one calendar year; beginning June 1, 1998.

Including the one-time installation charge and monthly charges, Eagle Hill will owe Bell Atlantic a total of **\$14,208**.

*[Handwritten signature]*

### CONTRACT III

#### Agreement Between Eagle Hill School and ACC Long Distance of Massachusetts, Inc.

Eagle Hill School and Acc Long Distance of Massachusetts, Inc. have entered into an agreement whereby Acc Long Distance will provide Eagle Hill School with monthly access using the T-1 line. This access will cost Eagle Hill School \$1100.00 per month. Over a calendar year, the total cost to Eagle Hill School is **\$13,200**.

ACC Long Distance will also serve as Eagle Hill School's long distance carrier for the next calendar year. The best estimate of Eagle Hill School's long distance costs for that time is **\$32,540**. This projection is based upon a comparison of our current rates with AT&T and our new rates offered by ACC in light of our expanded phone capacity beginning June 1, 1998. For clarification, please see the "Worksheet of Calculations" for shared services in response to Question 14.



#### 14. Worksheet of Calculations for Shared Services

The only "shared" services that Eagle Hill School is applying for are basic phone service and Internet access. We will be using a T-1 line for both voice and data connections. I was told by your representatives that phone service and Internet access always qualify as "shared."

The calculations regarding Internet charges appear in Contracts I and II above. They are very straightforward. Additionally, I have provided calculations of our estimated basic phone service costs for one (1) calendar year from the service start date, projected as June 1, 1998. These estimates are derived from our current long distance costs measured against our anticipated increase in capacity and reduced long distance rates.

The specific calculation entails:

##### I. STUDENTS

273 days per year (including all weekends and summer program)  
85 students using per evening (this number is close to  $\frac{3}{4}$  of our student population)  
20 minutes per evening per student (time allotments will be based on a privilege system)  
\$.49 per minute charge per our new contract with ACC Long Distance.

TOTAL : **\$22,740** for one school year.

##### II. FACULTY AND ADMINISTRATORS

Our current base rates for long distance calls are as follows:

Interstate: \$.22 (\$.28 peak)  
Intrastate: \$.25  
Intralata: \$.125  
International: Varies

We currently get an approximately 50% discount if our total bill is greater than \$200.00 per month. It always exceeds this threshold. Therefore, for purposes of calculating this estimate, we will assume \$.12 per minute as our average current long distance charge.

Our present phone bill per month is \$2,350. Multiplied out over 12 months, it is \$28,200. Due to our capacity increase once our new phone system is installed, we predict that our bill would increase \$720.00 (\$60 per month) over the course of one calendar year.

Preparing the bright learning disabled child for tomorrow and the future

Fax: 413-477-6837

Email: [EagleHill@aol.com](mailto:EagleHill@aol.com)



